

Chapter 10

PERFORMANCE STANDARDS FOR INDUSTRIAL AND OTHER USES

**An ordinance
to provide
necessary control
methods for
protection from
hazards and
nuisances.**

Adopted January 22, 2008

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Section 10-1 Purpose

To permit potential nuisances from industrial or other uses to be measured factually and objectively in terms of the potential nuisance itself; to ensure that all uses will provide necessary control methods for protection from hazards and nuisances which can be prevented by modern processes of control and nuisance elimination; to protect any use from arbitrary exclusion based solely on the characteristics of uncontrolled production in this type of use in the past.

Section 10-2 General Provisions

No land or building in any district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, electrical or other disturbances; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing are hereinafter referred to as "dangerous or objectionable elements." No use shall be undertaken or maintained unless it conforms to the regulations of this Section in addition to the regulations set forth for the district in which such use is situated.

Section 10-3 Performance Standards Procedure

The Kanab City Planning Commission or the Kanab City Zoning Administrator, when authorized, may require performance standards review for any use in any district when he has reason to believe that such use, or the manner of its operation will not or may not conform to the performance standards of this Chapter.

Section 10-4 Enforcement Provisions Applicable to All Uses

Initial and continued compliance with performance standards is required of every use; and provisions for enforcement of continued compliance with said standards shall be invoked by the Kanab City

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Planning Commission or the Kanab City Zoning Administrator, when authorized, against any use if there are reasonable grounds to believe that performance standards are being violated by such use.

Section 10-5 Nonconforming Uses

For purposes of this Ordinance, any use established before the effective date of this Ordinance and nonconforming as to performance standards shall have five (5) years in which to conform therewith.

Section 10-6 Determinations for Enforcement of Performance Standards.

The determination of the existence of dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be most apparent; provided, however, that the measurements having to do with noise, odors, vibration, or glare shall be taken at the following points of measurement:

1. In any district, except a Manufacturing District, at the lot line of the establishment or use.
2. In a Manufacturing District at one or more points five hundred (500) feet from the establishment or use, or at the boundary or boundaries of the District, if closer to the establishment or use, or at the closest point within an adjacent district other than a Manufacturing District.

Section 10-7 Dangerous and Objectionable Elements

1. Odors - No emission of odorous gases or other matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one (1) volume of odorous air to four (4) of clean air at the point of greatest concentration. Any process involving creation or emission of any odors shall be provided with a secondary safeguard system, so control will be maintained if primary safeguard system should fail.
2. Glare - No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be permitted. This restriction shall not apply to signs or lighting of buildings or grounds for protection as otherwise permitted by the provisions of this Ordinance.
3. Fire and Explosion Hazards - All activities involving, and all storage of flammable and explosive materials, shall be provided at any point with adequate safety devices against the hazard of fire and explosion.
4. Radioactivity or Electronic Disturbances - No activities shall be permitted which emit dangerous radio-activity at any point, or electrical disturbance adversely affecting the operation of any

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equipment other than that of the creator of such disturbance.

5. Smoke - No emission shall be permitted from any chimney or other source, of smoke or gases except in accordance with air pollution provisions of the Utah State Board of Health.

6. Fly Ash, Dust, Fumes, Vapors, Gases, and Other forms of Air Pollution - No emission shall be permitted except in accordance with air pollution provisions of the Utah State Board of Health.

7. Liquid or Solid Wastes - No discharge at any point into public sewer, private sewage system, or stream, or into the ground shall be permitted, except in accordance with the standards approved by the State Department of Health or standards equivalent to those approved by such Department. No materials or wastes shall be deposited on any property by natural causes or forces, and any wastes which might be attractive to rodents or insects shall be stored outdoors only in closed containers.